



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service
Food and Drug Administration

608

San Francisco District
1431 Harbor Bay Parkway
Alameda, CA 94502-7070
Telephone: 510/337-6700

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

July 2, 1997

Our Reference: 29-37822

Hua Ngo, President
H & N Fish Company
2390 Jerrold Avenue
San Francisco, CA 94124

WARNING LETTER

Dear Mr. Ngo:

On May 28, 1997, FDA Investigator Darla Bracy and FDA Biologist Linda J. Cruz conducted an inspection of your seafood processing facility at 2390 Jerrold Avenue, San Francisco, California. During the inspection, FDA collected several samples of various types of fish. Results of analysis of those samples revealed that the escolar and the swordfish are violative, as follows:

<u>Sample Number</u>	<u>Product</u>	<u>Findings</u>
DI-97-732-229	Escolar	Decomposed and contains 1.2 ppm mercury (original and check analyses)
DI-97-732-230	Swordfish	Contains mercury (original: 1.6 ppm) (check: 1.7 ppm)

Decomposed fish is deemed to be adulterated within the meaning of Section 402(a)(3) of the Federal Food, Drug, and Cosmetic Act. Fish containing methyl mercury in excess of 1.0 ppm is adulterated within the meaning of Section 402(a)(1) of the Food, Drug, and Cosmetic Act.

The receipt in interstate commerce of any food that is adulterated, and the delivery or proffered delivery thereof for pay or otherwise is prohibited under Section 301(c) of the Act. Adulteration of foods, while held for sale after receipt in interstate commerce, is prohibited by Section 301(k). Adulterated foods are subject to seizure as provided in Section 304 of the Act. Section 302 authorizes the government to seek injunctive relief to restrain violations of Section 301 of the Act.

We acknowledge your efforts to recall the two lots of adulterated fish. However, we are greatly concerned that your firm continues to receive and distribute mercury-contaminated fish despite your receipt of a warning letter dated July 27, 1993. You must take prompt action to prevent future violations. Failure to promptly implement adequate corrections may result in regulatory action without further notice.

Please advise this office in writing, within fifteen (15) working days of receipt of this letter, of the measures you have taken to preclude distribution of adulterated fish. You may FAX your response to (510) 337-6707. Please direct your response to Ms. Erlinda Figueroa, Compliance Officer. If you wish to discuss this matter further, you may contact Ms. Figueroa at (510) 337-6795.

Sincerely,



Patricia C. Ziobro
District Director

cc VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Donald Young
Special Projects Analyst Manager
H & N Fish Company
2390 Jerrold Avenue
San Francisco, CA 94124